



Entered on Docket
May 18, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor

Case No.: BK-S-06-10725 LBR
Case No.: BK-S-06-10726 LBR
Case No.: BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor

Chapter: 11
Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY TO PERMIT 3800 PRINCE
STREET, LLC TO ADJUDICATE
CLAIMS IN STATE COURT**

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

In re;
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

1 The motion of 3800 Prince Street, LLC, ("Movant") for relief from the automatic stay came on
 2 for regularly-scheduled hearing on April 30, 2009. Edgar C. Smith, Esq. appeared for the Movant;
 3 Rob Charles, Esq. of Lewis and Roca, LLP appeared for the USACM Liquidating Trust.

4 The court finds the motion for relief from the automatic stay is unopposed, but makes no
 5 finding that relief from the automatic stay is necessary for Movant to pursue its claims for quiet title.

6 ORDERED, the motion of Movant 3800 Prince Street is granted to permit Movant to assert
 7 quiet title claims against Debtor USA Commercial Mortgage Company in that pending action filed in
 8 the Second Judicial District Court, Bernalillo County, New Mexico, and captioned as, case # CV 2007
 9 07979, and concerning the following described real property:

10 Tract C-1-A-1-B, SCHWARTZMAN INDUSTRIAL CENTER, within Sections 5
 11 and 8, Township 9 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico,
 12 as the same are shown and designated on the replat filed on the office of the County
 13 clerk of Bernalillo County, New Mexico, on July 1, 2004 in Book 2004C, page 200.

14 FURTHER ORDERED that the motion of Movant 3800 Prince Street is granted *nunc pro tunc*
 15 to the date of filing of the amended counterclaim and third party complaint, October 8, 2008.

16 RULE 9021 CERTIFICATION:

17 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

18 ☐ The court has waived the requirement of approval under LR 9021.

19 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

20 ☒ I have delivered a copy of this proposed order via facsimile only to all counsel who appeared at
 21 the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this
 22 case, and each has approved or disapproved the order, or failed to respond, as indicated below [list
 each party and whether the party has approved, disapproved, or failed to respond to the document]:

23 APPROVED / DISAPPROVED

24 By: _____
 25 Rob Charles, Esq.
 Nevada Bar No.: 6593
 26 LEWIS AND ROCA, LLP
 3993 Howard Hughes Parkway, Suite 600
 27 Las Vegas, Nevada 89169-5996
 Attorney for USACM Liquidating Trust

28 ///

1 Submitted by

2 LAW OFFICE OF EDGAR C. SMITH

3 By: /s/ Edgar C. Smith

4 Edgar C. Smith, Esq.

5 Nevada Bar No. 5506

6 7371 Prairie Falcon Road, Suite 120

7 Las Vegas, Nevada 89128

8 *Attorney for Secured Creditor*

9 *3800 Prince Street*

X X X

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The motion of 3800 Prince Street, LLC, ("Movant") for relief from the automatic stay came on for regularly-scheduled hearing on April 30, 2009. Edgar C. Smith, Esq. appeared for the Movant; Rob Charles, Esq. of Lewis and Roca, LLP appeared for the USACM Liquidating Trust.

The court finds the motion for relief from the automatic stay is unopposed, but makes no finding that relief from the automatic stay is necessary for Movant to pursue its claims for quiet title.

ORDERED, the motion of Movant 3800 Prince Street is granted to permit Movant to assert quiet title claims against Debtor USA Commercial Mortgage Company in that pending action filed in the Second Judicial District Court, Bernalillo County, New Mexico, and captioned as, case # CV 2007 07979, and concerning the following described real property:

Tract C-1-A-1-B, SCHWARTZMAN INDUSTRIAL CENTER, within Sections 5 and 8, Township 9 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, as the same are shown and designated on the replat filed on the office of the County clerk of Bernalillo County, New Mexico, on July 1, 2004 in Book 2004C, page 200.

FURTHER ORDERED that the motion of Movant 3800 Prince Street is granted *nunc pro tunc* to the date of filing of the amended counterclaim and third party complaint, October 8, 2008.

RULE 9021 CERTIFICATION:

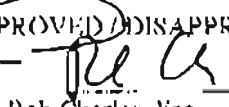
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APPROVED/DISAPPROVED

By: 
Rob Charles, Esq.
Nevada Bar No.: 6593
LEWIS AND ROCA, LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
Attorney for USACM Liquidating Trust